

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| GENE R. ROMERO, et al., | : | TABOR INTERVENORS |
| | : | CIVIL ACTION |
| | : | NO: 15-2602 |
| <i>Plaintiffs</i> | | : |
| v. | : | CONSOLIDATED WITH: |
| | : | NO. 01-CV-3894 |
| ALLSTATE INSURANCE COMPANY, et al., | : | |
| <i>Defendants.</i> | | : |

**PLAINTIFFS TABOR INTERVENORS' MOTION & MEMORANDUM FOR LEAVE
TO FILE FIRST AMENDED COMPLAINT**

NOW COMES PLAINTIFFS INTERVENORS, RODNEY TABOR, PHILLIP ANDERSON, JUDI ALLEN, FREDA SANFORD, KAREN EMMERT, GARY NEWSOM, CHRIS ROGERS, ISABELL HUIE, JOHN SIMERLY, and MICHAEL SIMERLY by and through their undersigned counsel, filing this Motion for Leave to File First Amended Complaint pursuant to Fed. R. Civ. P. 15 and show as follows:

1. The Plaintiffs seek leave to amend in order to set forth a contingent event: That is, if it is determined that Plaintiffs received consideration in exchange for executing a Release of claims, then Plaintiffs offer to return said consideration to the extent it is capable of being returned as determined by the Court. (See Paragraph 139 of the Proposed First Amended Complaint attached hereto as **Exhibit 1**).
2. This amendment is necessary because, if a return of consideration is necessary to avoid the doctrine of “ratification,” then Plaintiffs wish to protect their interests and make known their intentions by setting forth same in the body of the Complaint.

3. This amendment is the Plaintiffs' first. It is not sought for purposes of delay, but rather for clarity. In fact, at this point, Defendants have not even filed an Answer at this time.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request this honorable Court grant the Motion for Leave to File First Amended Complaint.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing has been mailed electronically via the Court's electronic filing system to all counsel of record, on this the 1st day of December, 2015:

/s/ Justin S. Gilbert